IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION NO : 8588 of 2004

Between:

P. Satyanarayana S/o Papa rao, Primary Agricultural Coop. Credit Society, Azadnagar, Kodad, Nalgonda Dist.

..... PETITIONER

AND

1. Person-incharge, Primary Agricultural Coop.

Credit Society Ltd, Kodad, Nalgonda Dist.
2 The District Cooperative Officer Nalgonda
3 The General Manager, N.D.C.C.B. Ltd., Nalgonda
4 The Divisional Coop. Officer Miryalaguda, Nalgonda Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction more in the nature of Mandamus, declaring the impugned order of suspension of the petitioner in Proc., dt: 18-3-2002 issued by the Person-incharge, Primary Agricultural Cooperative Credit Society Ltd. Kodad and identify continuing him under suspension for more than two years even without paying the subsistence allowance is as illegal, arbitrary, discriminatory, unjust and subversive of Arts. 14 and 21 of the Constitution and hold that the petitioner is entitled for reinstatement to duty with all consequential benefits.

Counsel for the Petitioner: MR.P.NARASIMHA

Counsel for the Respondent Nos 1 to 4: GP FOR COOPERATION

The Court made the following :

ORDER:

The 1st respondent-Primary Agricultural Co-operative Society suspended the services of the petitioner on the ground that he has produced Challan No.4, dated 13-03-2002 as if he has deposited an amount of Rs.80,000/-. But on verification of the records in the Central Cooperative Bank, Nalgonda, Kodada Branch, it is found that the petitioner deposited only Rs.8,000/-.

Having regard to the facts and circumstances of the case, since the suspension is not a punishment and it was only made pending enquiry so as to enable the respondents to conduct a regular enquiry, I am of the opinion that the writ petition is not maintainable by the petitioner against the Primary Agricultural Cooperative Society which is not the State within the meaning of Article 12 of the Constitution of India amenable to the writ jurisdiction.

The writ petition is dismissed accordingly. No order as to costs.

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16-09-2004

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To

1. Person-incharge, Primary Agricultural Coop.

Credit Society Ltd, Kodad, Nalgonda Dist.
2 The District Cooperative Officer Nalgonda
3 The General Manager, N.D.C.C.B. Ltd., Nalgonda
4 The Divisional Coop. Officer Miryalaguda, Nalgonda Dist.

5. Two CCs to GP for Cooperation, High Court buildings, Hyderabad (OUT)

6. Two CD copies.